

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BOOKER T. HUFFMAN	§	
	§	
V.	§	CIVIL NO. 2:19CV50
	§	
ACTIVISION PUBLISHING, INC., et al	§	

MINUTES FOR THIRD DAY OF TRIAL
HELD BEFORE JUDGE ROBERT W. SCHROEDER III
JUNE 23, 2021

OPEN: 8:39 a.m.

ADJOURN: 6:15 p.m.

ATTORNEY FOR PLAINTIFF:	Patrick Zummo, Micah Dortch and Christopher Lindstrom
ATTORNEYS FOR DEFENDANTS:	Melissa Smith, Daralyn Durie and Leon Carter
LAW CLERK:	Susan Stradley
COURTROOM DEPUTY:	Betty Schroeder
COURT REPORTER:	Kate McAlpine

8:39 a.m.	Outside the presence of the jury, Court and parties discuss issue with exhibits
9:00 a.m.	Recess
9:07 a.m.	Outside the presence of the jury, Court gives his ruling on the exhibit issue; Ms. Durie advises that Defendants' will have a Rule 50 motion
9:17 a.m.	Jury seated
9:20 a.m.	Mr. Zummo recalls Mr. Booker T. Huffman and begins redirect examination
9:25 a.m.	Mr. Carter begins recross examination

9:29 a.m. Mr. Zummo calls Murad Ainuddin via video deposition testimony

10:02 a.m. Mr. Zummo advises that the Plaintiff rests

10:03 a.m. Jury excused

10:04 a.m. Outside the presence of the jury, Court and parties discuss taking up the Rule 50 Motion at a later time

10:07 a.m. Recess

10:29 a.m. Jury seated

10:32 a.m. Ms. Smith calls Dan Bunting; witness sworn in

10:33 a.m. Ms. Smith begins direct examination of Mr. Bunting

11:34 a.m. Mr. Dortch begins cross examination of Mr. Bunting

11:48 a.m. Bench conference

11:49 a.m. Mr. Dortch continues with cross examination

12:00 p.m. Bench conference

12:04 p.m. Recess

1:18 p.m. Jury seated

1:21 p.m. Mr. Dortch continues with cross examination of Mr. Bunting

1:54 p.m. Ms. Smith begins redirect examination of Mr. Bunting

2:02 p.m. Bench conference

2:03 p.m. Mr. Dortch begins recross examination of Mr. Bunting

2:04 p.m. Ms. Courtney Perez calls Evan Rogers; witness sworn in

2:06 p.m. Ms. Perez begins direct examination of Mr. Rogers

3:03 p.m. Bench conference

3:03 p.m. Jury excused

3:04 p.m. Outside the presence of the jury, Mr. Dortch questions the Court regarding an exhibit; Court responds

3:05 p.m. Recess

3:24 p.m. Jury seated

3:27 p.m. Mr. Dortch begins cross examination of Mr. Rogers

3:44 p.m. Ms. Perez begins redirect examination of Mr. Rogers

3:45 p.m. Ms. Durie calls Dr. Ian Bogost; witness sworn in

3:46 p.m. Ms. Durie begins direct examination of Dr. Bogost

3:48 p.m. Ms. Durie offers Dr. Bogost as an expert in video games development; no objection; Dr. Bogost is accepted

4:00 p.m. Objection by Mr. Dortch; Ms. Durie responds; Court - lay a foundation

4:14 p.m. Mr. Dortch begins cross examination of Dr. Bogost

4:23 p.m. Objection by Ms. Durie; Mr. Dortch responds; Court - overruled

4:25 p.m. Ms. Durie calls William Romeo; witness sworn in

4:26 p.m. Ms. Durie begins direct examination of Mr. Romeo

4:42 p.m. Objection by Mr. Dortch; Court - overruled

4:43 p.m. Mr. Dortch begins cross examination of Mr. Romeo

4:44 p.m. Ms. Durie advises that the Defendants rest

4:44 p.m. Bench conference

4:47 p.m. Jury excused

4:49 p.m. Outside the presence of the jury, the Court advises the parties the motions for judgment as a matter of law and instructions will be taken up after a short break

4:50 p.m. Recess

5:09 p.m. Ms. Durie argues Defendants' Rule 50 motion

5:12 p.m. Mr. Zummo responds to argument

5:20 p.m. Court questions Ms. Durie; Ms. Durie responds; Mr. Zummo responds

5:24 p.m. Court will carry the motion

5:28 p.m. Informal charge begins

6:04 p.m. Court informs the parties to be here at 8:30 tomorrow morning

6:05 p.m. Ms. Smith reads into the record all exhibits used yesterday; all admitted

6:08 p.m. Court and parties review verdict form

6:15 p.m. Recess